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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/320,950	05/27/1999	JOHN N. GLOVER	2797.004	5662

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EXAMINER

SORKIN, DAVID L

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 01/02/2003

26

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/320,950

Applicant(s)

GLOVER, JOHN N.

Examiner

David L. Sorkin

Art Unit

1723

CK 26

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 59-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 59-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 25.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 59, 61-67 and 69-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer (US 4,615,796) in view of "CE Refresher: Catalyst Engineering, Part 2" by John Fulton ("Fulton" herein). Regarding claims 59 and 78, Kramer ('796) discloses a method of fluid distribution in a chemical reactor comprising the steps of providing a layer of a plurality of ceramic filter units (see col. 3, lines 34-40; Figs. 1 and 2); contacting an organic based stream with the layer of the plurality of ceramic filter units and passing the organic-based stream through the layer prior to the organic based feed stream contacting a catalyst be in the chemical reactor (see col. 2, lines 20-25; Figs. 1 and 2). Kramer ('796) fails to disclose the units having 3 or more passages surrounding a central passage, through which fluid flows (although annular units, including ones with passages are disclosed in Table 1). Fulton teaches cylindrical units having a central opening and four openings between the central opening and the peripheral opening (see Fig. 1, third column, fifth row). It is considered that it would have been obvious to one of ordinary skill in the art to have shaped the units of Kramer according to the teachings of Fulton, because Kramer explains that alternative unit shapes may be used in the disclosed processes (see Table 2 and col. 4, lines 1-4).

Art Unit: 1723

Furthermore, Fulton teaches the above-mentioned shape as an alternative to other shapes including spheres (see page 97) and explains that passages in the units can significantly reduce the amount of material needed, while minimizing loss of strength (see pages 97 and 98, Fig. 3). See also the admitted prior art of page 3, lines 7-18 of the instant specification. Regarding claim 61, Kramer ('796) further discloses removing contaminants from a contaminated stream; and providing the contaminated stream to a catalyst bed for further processing in the chemical reactor (see col. 1, lines 52-60; col. 3, lines 4-22; Figs. 1 and 2). Regarding claims 62 and 63, because "packing factor" can be set to any value for a given shape unit merely by varying the size of the unit, and Kramer ('796) explains that unit size should be selected according to an expected particle size to be filtered out, it is considered that it would have been obvious to one of ordinary skill in the art to have optimized the packing factor to suit a particular expected contaminate particle size. Further regarding claim 63, Kramer ('796) discloses packing the ceramic filter units in graduated layers into the chemical reactor with each layer having a different packing factor (see examples 1-3). Regarding claim 64, Fulton further teaches units may have a flute outer periphery (see Fig. 1). Regarding claim 65, Fulton further teaches that units may have a plurality of recessed notches extending inwardly from the outer periphery toward the medial portion of the units (see Fig. 1). Regarding claim 66, in the units taught by Fulton the four openings substantially surround the central opening between the central opening and the outer periphery to thereby define a ring around the central opening (see Fig. 1). Regarding claim 68, Kramer ('796) discloses a method of fluid distribution in a chemical reactor comprising

Art Unit: 1723

the steps of providing a layer of a plurality of ceramic filter units (see col. 3, lines 34-40; Figs. 1 and 2); contacting an organic based stream with the layer of the plurality of ceramic filter units and passing the organic-based stream through the layer prior to the organic based feed stream contacting a catalyst bed in the chemical reactor (see col. 2, lines 20-25; Figs. 1 and 2). Kramer ('796) fails to disclose the polygonal units having 3 or more passages surrounding a central passage, through which fluid flows. Fulton teaches units having a central opening and four openings between the central opening and the peripheral opening (see Fig. 1, third column, fifth row). Polygonal units are also taught (see Fig. 1). It is considered that it would have been obvious to one of ordinary skill in the art to have shaped the units of Kramer according to the teachings of Fulton, because Kramer (796) explains that alternative unit shapes may be used in the disclosed processes (see Table 2 and col. 4, lines 1-4). Furthermore, Fulton teaches the above-mentioned shapes as an alternative to other shapes including spheres (see page 97) and explains that passages in the units can significantly reduce the amount of material needed, while minimizing loss of strength (see pages 97 and 98, Fig. 3).

Fulton also notes in the caption of Fig. 1, that the shapes "represent only a few of the almost limitless variety possible". Regarding claim 69, Kramer ('796) further discloses removing contaminants from a contaminated stream; and providing the contaminated stream to a catalyst bed for further processing in the chemical reactor (see col. 1, lines 52-60; col. 3, lines 4-22; Figs. 1 and 2). Regarding claims 70 and 76, Fulton further teaches that units may have a plurality of recessed notches extending inwardly from the outer periphery toward the medial portion of the units (see Fig. 1). Regarding claim 71-

Art Unit: 1723

75, square and rectangular shapes are disclosed in Fig. 1 of Fulton. It is explained that the size of the units should be selected based upon various economic trade-offs (see pages 98-99). Kramer provides examples of unit sizes being 0.5 inches and other sizes within the claimed ranges (see example 1-3). Also see applicant's admission on page 3, lines 7-10 regarding prior art thickness of "3/8 inch" and "approximately 1/8 inch to 1 1/4 inches in diameter". Regarding claim 77, in the units taught by Fulton the four openings substantially surround the central opening between the central opening and the outer periphery to thereby define a ring around the central opening (see Fig. 1).

3. Claims 60 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer ('796) in view of Fulton as applied to claims 59 and 67 above, and further in view of Hung et al. (DE 3,539,195). The openings discussed above are circular rather than elliptical. As explained in pages 8-10, especially lines 6 and 7 of page 9, of the English translation of Hung ('195), elliptical openings are recognized as and alternative to circular openings. It is considered that it would have been would have been obvious to one of ordinary skill in the art to have substituted elliptical holes for the circular holes discussed above, because circular holes and elliptical holes are recognized in the art as alternative for the same purpose according to Hung ('195) pages 8-10, especially lines 6 and 7 of page 9.

Response to Arguments

4. Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

Art Unit: 1723

5. While applicant alleges "As acknowledged by the Examiner during the recent interview, Applicant respectfully submits that the new claims make the present invention patentably distinguishable from the Hung reference, thereby removing any basis for these rejections", it noted that the claims faxed to the examiner during the interview differ substantially from the claims actually submitted. A copy of the claims presented to the examiner during the interview has been maintained in the file. While it is true that Hung (DE 3539195) does not disclose ceramic units having a central opening surrounded by at least three other openings, several other references such as Foster (US 2,408,164), Fulton (discussed above) and Page (US 2,183,657) discloses such units.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 1723

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Sorkin whose telephone number is 703-308-1121. The examiner can normally be reached on 8:00 -5:30 Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



David Sorkin

December 23, 2002



W. L. WALKER
SUPERVISORY PATENT EXAMINER
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